

Herbert H. Tate  
President

Carmen J. Armenti  
Commissioner

Dr. Edward H. Salmon  
Commissioner



STATE OF NEW JERSEY  
Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Celeste M. Fasone  
Director

Office of Cable Television

Tel. # (201) 648-2670

Fax. # (201) 648-4298

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**VIA FEDERAL EXPRESS**

November 27, 1996

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Hon. William F. Caton  
Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M. Street, N.W.  
Washington, DC 20554

Re: In the Matter of  
Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

MM Docket No. 87-268

Dear Mr. Caton:

Enclosed please find an original and 10 copies of the  
comments of the Staff of the New Jersey Office of Cable  
Television for filing in the above matter.

Kindly place the Office of Cable Television on the  
service list for this docket.

Please return one copy marked "Filed" in the enclosed  
addressed, stamped envelope.

Thank you for your consideration.

Very truly yours,

Celeste M. Fasone  
Director

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enclosures

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FCC 96-317

# Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service

Comments on Further Notice of Proposed Rulemaking  
by the State of New Jersey  
Board of Public Utilities'  
Office of Cable Television

The staff of the State of New Jersey, Office of Cable Television (hereinafter "OCTV") of the Board of Public Utilities ("Board"), respectfully submits the following comments to the Further Notice of Proposed Rulemaking ("FNPRM") released by the Federal Communications Commission (hereinafter "Commission") on August 14, 1996. The Board has regulatory authority over cable television operations in the State of New Jersey pursuant to N.J.S.A. 48:5A-1 et seq. The Board is also the franchising authority for New Jersey cable television systems. Through its Office of Cable Television, the Board has extensive experience with cable systems and other closely related technical issues. These include broadcast television reception issues affecting cable operators (e.g., co-channel interference and other problems interfering with received signal quality); signal leakage and interference problems resulting from parties sharing the radio-frequency spectrum; must-carry regulations; aeronautical frequency offset requirements and direct signal pickup problems affecting consumer electronic equipment.

Because of this background and after a close examination of the issues in the FNPRM, the OCTV believes it is necessary to address issues in the instant matter which may negatively impact the public interest by virtue of the FNPRM's likely affect on cable operators, cable television subscribers, public safety agencies, and residents of the State of New Jersey.

In these comments the OCTV will address the issues in the FNPRM, which it believes are pertinent to New Jersey and must be evaluated thoroughly before any final actions are taken by the Commission with regard to assignment of additional frequencies for the broadcast of advanced television system signals.

ADVANCED TELEVISION BROADCAST INTERESTS SHOULD NOT TAKE PRECEDENCE IN REGARD TO FREQUENCIES PREVIOUSLY ASSIGNED BY THE COMMISSION TO PUBLIC SAFETY AGENCIES IN THE NEW YORK / PHILADELPHIA AREAS.

At paragraph 82 of the FNPRM, the Commission outlines a proposed revision to the methodology and approach used in the Second Further Notice in this proceeding to develop a digital television ("DTV") Table of Allotments. The Commission's original proposal in this regard was to allot DTV channels using geographical spacing criteria in the same manner that National Television Standards Committee ("NTSC") TV and FM radio channels are currently allotted, whereby minimum

permissible distances between stations operating on the same or adjacent channels are specified by the Commission. See paragraph 81. The Commission's proposed revision would change this methodology to one where allotments are made based on "evaluation of service replication and interference considerations", as explained in paragraph 82 and subsequent paragraphs of the FNPRM. While the OCTV is not opposed to this revision in principle, it does not believe that the revision as outlined can prevent interference from occurring between broadcast stations utilizing newly assigned DTV channels and public safety agencies currently licensed to adjacent frequencies without employing minimum separation standards.

In paragraph 75, the Commission states that in the Second Further Notice, it recognized that in a few instances, minimum separation standards proposed for co-channel and adjacent channel spacings could not be met. In these instances, the Commission recognized that additional conditions may be necessary in order to prevent interference to land mobile operations from occurring, and asks for comments and suggestions concerning the additional conditions that should be applied. The Commission explains the engineering considerations which are part of the proposed revisions, and states that its staff studies indicate that it will be necessary to co-locate or reduce spacings between adjacent channels in some instances in order to achieve full accommodation of DTV channel assignments for each existing NTSC broadcast station. In paragraph 93, the Commission identifies nine cases where DTV allotments would be located at distances less than 110 miles from the city-center of an

adjacent channel land mobile system, exceeding the historical separation standard employed by the Commission to prevent adjacent channel interference (interference between stations operating on channels one frequency apart).

Of the nine cases identified by the Commission, two affect land mobile frequencies assigned to the Philadelphia, PA area, and thereby impact land mobile frequency users in areas of southern New Jersey. These are: 1) channel 18, assigned to Secaucus, New Jersey; and 2) channel 21, assigned to Vineland, New Jersey. In both cases, land mobile frequency users in southern New Jersey that are currently licensed to operate on frequencies corresponding to UHF channels 19 and 20, will be subject to adjacent channel interference from DTV stations operating dramatically closer than the original 110 mile separation previously employed by the Commission. In fact, for all practical purposes, in the case of the Vineland DTV channel 21 allotment, there would be no separation distance at all between the station located there and land mobile users assigned to channel 20 in Gloucester County, New Jersey, which **physically borders** the City of Vineland. Therefore, the OCTV is very concerned that land mobile users in the southern part of the state will be subject to significant amounts of interference, possibly rendering the frequencies currently assigned to land mobile users there unusable. Furthermore, the OCTV remains very concerned that the assignment of channel 18 in Secaucus, New Jersey, with land mobile users located less than 70 miles away in some cases, will present significant interference problems to those assigned operating frequencies within channel 19.

Additionally, although not identified by the Commission, the OCTV believes that the assignment of channel 16 for DTV use in New Haven, Connecticut may impact land mobile users of channel 15 in northern New Jersey, by virtue of the fact that New Haven is located well under the 110 mile limit from land mobile stations operating in the northern part of the state. The OCTV requests that this issue also be closely examined by the Commission for the potential harm that adjacent channel interference may cause to these users as well.

THE BROADCAST INDUSTRIES' PROPOSAL TO ELIMINATE LAND MOBILE USE OF CHANNEL 20 IN THE PHILADELPHIA AREA IS CONTRARY TO THE PUBLIC INTEREST AND WILL SEVERELY IMPACT CURRENT LAND MOBILE USERS IN SOUTHERN NEW JERSEY, AS WELL AS THE GENERAL PUBLIC.

At paragraph 77 of the FNPRM, the FCC requests comment on an assumption by the broadcast industry that land mobile use of channel 20 would be eliminated in the Philadelphia area, and would be available for DTV purposes. The OCTV strongly urges the Commission to maintain the current exclusion in the Philadelphia area of channel 20 for broadcast purposes in the DTV allotment table. In addition to having a severe negative impact on current users of these frequencies (primarily public safety agencies) in southern New Jersey that would lose the use of these frequencies, the general public (i.e., taxpayers) may find themselves responsible for the absolutely prohibitive costs of replacing

equipment that has been in widespread use on these frequencies for many years. Pursuant to FCC rules and regulations which allow the use of these frequencies for land mobile services (47 C.F.R. § 90.301 et seq., released November 22, 1978), many counties and municipalities have invested significant amounts in equipment, engineering, and cost studies in the years since receiving permission to operate in these frequencies. In the event that the Commission allows the use of channel 20 by broadcast interests in the Philadelphia area, it should consider requiring the new user to reimburse all of the current governmental licensees of these frequencies for the costs of relocating to other frequencies, and the costs of equipment replacement as well, if necessary.

In the event that the Commission ultimately requires new users of channels outside the core DTV spectrum to reimburse previous users of those channels (see paragraph 92), a Commission policy requiring reimbursement to displaced governmental users of channel 20 in southern New Jersey would be appropriate and consistent with this action.

THE OFFICE OF CABLE TELEVISION SUPPORTS THE COMMISSION'S POSITION THAT CURRENTLY PRECLUDES ASSIGNMENT OF CHANNELS 3 AND 4 TO ONE COMMUNITY BECAUSE OF POTENTIAL INTERFERENCE TO CABLE TERMINAL DEVICES AND CONSUMER EQUIPMENT.

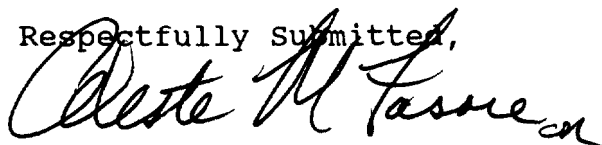
The OCTV fully supports the Commission's position, outlined in paragraph 73 of the FNPRM, which precludes the

simultaneous assignment of TV channels 3 and 4 to one community due to the potential for severe interference to cable terminal devices (set-top converters) and consumer electronic equipment such as VCRs. The OCTV urges that the Commission not alter its position in this regard and adopt this policy as part of these proceedings.

#### CONCLUSION

The Office of Cable Television supports the Commission's intentions to adopt the regulatory framework necessary to introduce the technically superior DTV system in the United States. However, the Office also respectfully requests that the Commission proceed carefully in implementing this type of system, particularly where the public interest may be adversely affected, as in the instant matter. For all of the foregoing reasons, we urge that the Commission accept these comments and act accordingly.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Celeste M. Fasone", written in black ink.

Celeste M. Fasone  
Director

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